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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,474	02/16/2000	Keith Caves	476-1893	6650

7590 06/09/2004  
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EXAMINER

GEORGE, KEITH M

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/505,474

Applicant(s)

CAVES ET AL.

Examiner

Keith M. George

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) 14-18 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4, 6, 8-13 and 19 is/are rejected.  
7) ☒ Claim(s) 5 and 7 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 16 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Group I, consisting of claims 1-13 and 19, in the reply filed on 2 June 2003 is acknowledged. Because applicant did not distinctly and specifically point out errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. This application contains claims 14-18 drawn to an invention nonelected in the reply filed on 2 June 2003. A complete reply to this FAOM must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Specification***

3. The disclosure is objected to because of the following informalities: The originally filed specification contains words that are struck through, for example, page 1, lines 21, the number "3" and page 2, line 5, the word "busy". These struck through words should be deleted from the specification.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 6, 8-13 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Subblah et al., U.S. Patent 6,128,659, hereinafter Subblah.

6. Referring to claims 1, 9, 10, 11 and 19, Subblah teaches a method and apparatus for resolving dynamic channel assignment conflict in AAL2 negotiation procedure including in figure 5 a flow chart that illustrates an operation of point-to-point (or peer-to-peer) AAL2 connection. First, a connection request for a channel between a local peer entity and a remote peer entity is received at the local peer entity, as shown in box 502. The local peer entity then chooses a CID (path identifier for a virtual channel) among channels which are in an "Unassigned" state as shown in box 504. Next, the local peer entity changes the state of the chosen CID to "Assignment\_initiated" as shown in box 506 and send an "Assignment\_request" message to the remote peer entity as shown in box 508 (at the first node, sending a connection request to the second node incorporating a path identifier for a virtual channel to be used for the connection). The remote peer entity upon receiving "Assignment\_request", verifies the state of the requested CID in its own ANP memory table as shown in box 510 (at the second node, determining whether the path identifier is acceptable to the second node for establishing the connection). If the CID is not in an "Unassigned" state as determined from box 512, the remote peer entity determines whether the CID is in an "Assigned" state from box 514. If the CID is in an "Assigned" state, the remote peer entity sends an "Assignment\_denied" message or signal to the local peer entity and may select a new CID for retrying as shown in box 516 (at the second node, where the path identifier is not acceptable to the second node, returning to the first node a

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negotiation request message incorporating a new path identifier for an alternative virtual channel to be used for the connection) (column 12, line 47 - column 13, line 5).

7. Referring to claims 2 and 12, Subblah teaches the method described in reference to claim 1 above and also teaches that if the CID is in an "Unassigned" state as determined from box 512, the remote peer entity assigns the requested CID and returns an "Assignment\_confirm" message or signal to the local peer entity as shown in box 524 (when the new path identifier is acceptable, establish the connection and return the second node a negotiation confirm message incorporating the new path identifier) (column 12, lines 60-64). Subblah goes on to teach that the operation stands at the point of view of the remote peer entity. The same determination may occur at the local peer entity (column 13, lines 17-19).

8. Referring to claims 3 and 13, Subblah teaches the method described in reference to claim 2 above and also clearly teaches in the background section that it is well established that if the requested CID is not available an "Assignment\_denied" (release complete) message is sent to the requesting peer (column 3, lines 10-14).

9. Referring to claims 4, 6 and 8, Subblah teaches the method described in reference to claim 3 above and also clearly teaches in figures 2, 3, and 4 that the nodes can be service endpoints (BTS<sub>1</sub>, BTS<sub>2</sub>, BTS<sub>3</sub>, BTS<sub>4</sub>), a designated signaling channel (1, 2, 3, 4) and that each device is an AAL2 device.

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***Allowable Subject Matter***

10. Claims 5 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Lundbäck et al., U.S. Patent 6,480,492, teaches a handshaking request that includes information indicating what half trail (e.g., what other VPI/VCI) the node entity can use as a sending half trail for sending cells to node main processor.
- b. O'Neill et al., U.S. Patent 6,243,382, teaches a switching apparatus proposing a VPI/VCI combination for a new virtual channel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith M. George whose telephone number is 703-305-6531. The examiner can normally be reached on M-Th 7:00-4:30, alternate F 7:00-3:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Keith M. George  
7 June 2004



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